

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL R. MANIZAK,

Plaintiff,

vs.

Case No. 13-CV-10346
HON. GEORGE CARAM STEEH

ANDREW KELLEY, et al.,

Defendants.

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ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. 29]

This matter came before the court on plaintiff Paul Manizak's self-styled Motion for a Writ of Habeas Corpus in a[n] Evidentiary Hearing to Demonstrate that I'm in Custody in Violation of the Constitution and Laws of the United States [doc. 15]. Plaintiff is an inmate in the custody of the Michigan Department of Corrections and filed his *pro se* prisoner civil rights case under 42 U.S.C. § 1983 alleging deliberate indifference to his medical needs when he was a pretrial detainee. Plaintiff's motion was referred to Magistrate Judge Whalen for report and recommendation.

Magistrate Judge Whalen recommends that plaintiff's motion be denied because his civil rights claims have already been dismissed and continue to be barred under the authority of *Heck v. Humphrey*, 512 U.S. 477 (1994). Objections to the magistrate judge's report have not been filed by plaintiff within the established time period. The court has reviewed the file, record, and magistrate judge's report and recommendation. The court accepts the report and recommendation, and orders that plaintiff's motion for

writ of habeas corpus be denied for the reasons given in the report and recommendation.

Accordingly,

IT IS HEREBY ORDERED that the magistrate's report and recommendation is accepted.

IT IS FURTHER ORDERED that plaintiff's motion for writ of habeas corpus is DENIED.

Dated: March 7, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 7, 2014, by electronic and/or ordinary mail and also on Paul Manizak #193140, Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036.

s/Barbara Radke
Deputy Clerk